

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING COUNTY CLASSIFICATION; PROVIDING FOR
5 THE CLASSIFICATION OF A CONSOLIDATED MUNICIPALITY COMMISSION TO BE BASED ACCORDING
6 TO POPULATION; AMENDING SECTIONS 7-3-1214, 76-1-111, 76-1-403, 76-1-404, AND 80-7-814,
7 MCA; REPEALING SECTIONS 7-1-2111, 7-1-2112, AND 76-1-405, MCA; AND PROVIDING AN
8 EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11

12 **Section 1.** Section 7-3-1214, MCA, is amended to read:

13 **"7-3-1214. Consolidated municipality commission.** (1) Except as otherwise provided in ~~this part~~
14 ~~or part 13 or this part~~, all powers of the consolidated municipality are vested in a commission. For the
15 purpose of determining the number of members composing the commission, consolidated municipalities
16 organized under the provisions of ~~this part and part 13~~ and this part ~~shall~~ must be classified ~~and all of the~~
17 ~~provisions of 7-1-2111 and 7-1-2112 govern and control the classification of the consolidated~~
18 ~~municipalities based on the population of the consolidated municipality.~~

19 (2) (a) In consolidated municipalities ~~of the first class~~ with populations of 10,000 or more, the
20 commission ~~shall~~ must consist of seven members.

21 (b) In consolidated municipalities ~~of the second class, third class, or fourth class~~ with populations
22 of 1,000 but less than 10,000, the commission ~~shall~~ must consist of five members.

23 (c) In consolidated municipalities ~~of the fifth class, sixth class, or seventh class~~ with populations
24 less than 1,000, the commission ~~shall~~ must consist of three members."

25

26 **Section 2.** Section 76-1-111, MCA, is amended to read:

27 **"76-1-111. Representation of county or additional cities or towns on existing boards.** (1) Any city,
28 county, or town or any combination of cities, counties, or towns wishing to be represented upon an
29 existing planning board may, by agreement of the governing body or bodies then represented on the board,
30 obtain representation on the board and share in the membership duties and costs of the board upon a basis

1 agreeable to the governing body or bodies creating the board.

2 (2) The membership as well as the jurisdictional area of any board may be increased to provide
3 for representation and planning of any additional cities, counties, or towns seeking representation.

4 (3) Any city, county, or town that becomes represented upon an existing planning board pursuant
5 to this section may appropriate funds for expenses necessary to cover the costs of representation. Subject
6 to 15-10-420, the governing bodies of any represented city or county may levy on all property that is
7 added to the jurisdictional area of an existing board by representation a tax for planning board purposes
8 under procedures set forth in Title 7, chapter 6, part 23 or part 42, whichever is applicable. ~~The tax may~~
9 ~~not exceed the maximum levy authorized in 76-1-402 through 76-1-407."~~

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11 **Section 3.** Section 76-1-403, MCA, is amended to read:

12 **"76-1-403. Tax levy by county for certain county planning districts authorized.** When a county
13 planning board has been established, the board of county commissioners may create a planning district
14 that must include the property that lies outside the limits of the jurisdictional area, as established pursuant
15 to 76-1-504 through 76-1-507 or as modified pursuant to 76-1-501 through 76-1-503, in counties where
16 a city-county planning board has been established as well as that property that lies outside the limits of
17 any incorporated cities and towns. Subject to 15-10-420, the board of county commissioners may levy
18 a tax on the taxable value of all taxable property located within the planning district ~~a tax not to exceed~~
19 ~~the maximum levy authorized by 76-1-405~~ for planning board purposes, under procedures set forth in Title
20 7, chapter 6, part 23."

21

22 **Section 4.** Section 76-1-404, MCA, is amended to read:

23 **"76-1-404. Tax levy by county for city-county planning board authorized.** When a city-county
24 planning board has been established, the board of county commissioners may create a planning district
25 that must include the property within the jurisdictional areas, as established pursuant to 76-1-504 through
26 76-1-507, that lies outside the limits of any incorporated cities and towns. Subject to 15-10-420, the
27 board of county commissioners may levy on all property located within the planning district a tax for
28 planning board purposes, under procedures set forth in Title 7, chapter 6, part 23. ~~The tax may not exceed~~
29 ~~the maximum levy authorized in 76-1-405."~~

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1 **Section 5.** Section 80-7-814, MCA, is amended to read:

2 **"80-7-814. Administration and expenditure of funds.** (1) (a) Except as provided in subsection
3 (1)(b), money deposited in the noxious weed management trust fund may not be committed or expended
4 until the principal reaches \$2.5 million, except in the case of a noxious weed emergency as provided in
5 80-7-815. Once this amount is accumulated, interest or revenue generated by the trust fund and by other
6 funding measures provided by this part must be deposited in the special revenue fund and may be
7 expended for noxious weed management projects in accordance with this section, as long as the principal
8 of the trust fund remains at least \$2.5 million.

9 (b) Money deposited as principal in the trust fund from 80-7-822 pursuant to 80-7-810(2) may
10 not be expended until the principal of the trust fund reaches \$10 million. However, interest or revenue
11 generated by the trust fund must be deposited in the special revenue fund and may be expended for
12 noxious weed management projects in accordance with this section.

13 (2) The department may expend funds under this section through grants or contracts to
14 communities, weed control districts, or other entities it considers appropriate for noxious weed
15 management projects. A project is eligible to receive funds only if the county in which the project occurs
16 has funded its own weed management program with a levy in an amount not less than 1.6 mills or an
17 equivalent amount from another source or by an amount of not less than \$100,000 ~~for first-class counties,~~
18 ~~as defined in 7-1-2111.~~

19 (3) The department may expend funds without the restrictions specified in subsection (2) for the
20 following:

21 (a) employment of a new and innovative noxious weed management project or the development,
22 implementation, or demonstration of any noxious weed management project that may be proposed,
23 implemented, or established by local, state, or national organizations, whether public or private. The
24 expenditures must be on a cost-share basis with the organizations.

25 (b) cost-share noxious weed management programs with local weed control districts;

26 (c) special grants to local weed control districts to eradicate or contain significant noxious weeds
27 newly introduced into the county. These grants may be issued without matching funds from the district.

28 (d) administrative expenses of the department for managing the noxious weed management
29 program and other provisions of this part. The cost of administering the program may not exceed 12% of
30 the total program expenses.

1 (e) administrative expenses incurred by the noxious weed management advisory council;

2 (f) a project recommended by the noxious weed management advisory council, if the department
3 determines the project will significantly contribute to the management of noxious weeds within the state;
4 and

5 (g) grants to the agricultural experiment station and the cooperative extension service for crop
6 weed management research, evaluation, and education.

7 (4) The agricultural experiment station and cooperative extension service shall submit annual
8 reports on current projects and future plans to the noxious weed management advisory council.

9 (5) In making expenditures under subsections (2) and (3), the department shall give preference
10 to weed control districts and community groups.

11 (6) If the noxious weed management trust fund is terminated by law, the money in the fund must
12 be divided between all counties according to rules adopted by the department for that purpose."

13

14 NEW SECTION. **Section 6. Repealer.** Sections 7-1-2111, 7-1-2112, and 76-1-405, MCA, are
15 repealed.

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17 NEW SECTION. **Section 7. Contingent voidness.** If House Bill No. 124 and House Bill No. 345
18 are not passed and approved, then [this act] is void.

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20 NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2001.

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